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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,852

06/14/2006

Keisuke Onishi

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38834

7590

09/29/2010

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WASHINGTON, DC 20036

EXAMINER

OBAYANJU, OMONIYI

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

09/29/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,852	<b>Applicant(s)</b> ONISHI ET AL.	
	<b>Examiner</b> OMONIYI A. OBAYANJU	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 3,6,9,12 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/09/2010 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 09/09/2010 have been fully considered but they are not persuasive.

**Applicant amended that claimed limitations by replacing** “a mobile phone terminal” with “a mobile telephones, Personal Handyphone System (“PHS”) devices and other mobile communication terminal equipment”, then argued and/or stated that the claims are now in condition for allowance.

**In response the Examiner respectfully disagrees with Applicant’s argument.** By replacing and/or listing a mobile device in different terms or names that

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means the same things does not render and/or put the claims in a condition for allowance. As discussed, (Takayama et al.) teaches mobile stations (fig. 4, #13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama et al. (US Publication No. 20010019960) in view of Chinomi et al. (US Publication No. 20040059498).

As to **claims 1, 4, 7, 10, 13**, Takamaya teaches an information distribution system comprising: an information distribution server (service system, fig. 2, #11) and a mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2), where the information distribution server (fig. 2, #11) is equipped with a content database that associates and memorizes content downloadable (service program) to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment, or content data indicating the registration location of such content, and area information indicating the specific area to which such content may be downloaded by the mobile telephones, Personal

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Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2, #25, and pg. 2, pp0040, lines 1-3); and where the information distribution server is equipped with: a content guide information distribution means that transmits a content guide information (area decision based on service selection information) associating the content downloadable to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment with the area to which such content may be downloaded to the mobile terminal (pg. 2, pp0049-50 lines 1-7 and pp0040-0041); a distribution request reception means that receives content distribution requests from the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2, #22, and pg. 3, pp0075-0077, receives service selection from mobile terminal); a position judgment means that determines the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2, #23, and pg. 3, pp0079 lines 1-5); and a distribution enabled/disabled decision means that checks the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment determined by the position judgment means against the area information associated with the content whose distribution is requested (pg. 3, pp0079 lines 1-5), and decides whether to distribute the content data in question (pg. 3, pp0080, lines 1-10); and where the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile

communication terminal equipment is equipped with: a position information transmission means that sends information on the current position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment to the information distribution server; and a distribution request means that makes distribution requests to the information distribution server (pg. 3, pp0075, lines 1-7, mobile station sends service selection information) and selects content to be downloaded according to the content guide information distributed by the information distribution server (pg. 2, pp0049-50 lines 1-7); and the system is configured in such manner that the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment acquires the content guide information associating the content corresponding to the selected item (area based on service selection information) with the area to which such content may be downloaded, from the information distribution server and, in case of acquiring a specific content on the content guide information (service according to different areas) (pg. 2, pp0056-pp0064), unless the specific content is a content that is distributed in an area including the current position, the distribution request means transmits the distribution request of the specific content along with the information on the current position to the information distribution server when the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment moves to an area where the specific content is distributed (providing to users in the vicinity, pg. 5, pp0102-pp0103,

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and pp0105), and that when the information distribution server receives the distribution request of the content being selected based on the content guide information (area decision based on service selection information) from the mobile terminal (pg. 2, pp0049-50 lines 1-7 and pp0040-0041), if the area information associated with the content whose distribution is requested matches the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment, the information distribution server distributes the content data in question to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (pg. 2, pp0041, lines 1-8). However, Takamaya fails to teach a display unit that displays a menu list for selecting a desirable item from within plural items.

But, Chinomi teaches a display unit that displays a menu list for selecting a desirable item from within plural items (list of contents that can be downloaded based on location, pg. 3, pp0042, and pp0047-pp0048). Thus it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Tamakaya and Chinomi to achieve the goal of efficiently, reliably, and accurately providing information to communication devices in a communication network.

As to **claims 2, 5, 8, 11, 14**, Takamaya teaches wherein the position information transmission means comprises a current position detection means and a current position information transmission means that transmits current

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position information generated by the current position detection means (pg. 3, pp0071, pp0073, lines 1-8), and wherein the position judgment means (area decision device) determines the current position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment according to current position information received from the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment in question (pg. 2, pp0041, lines 1-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art  
Unit 2617